

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2040.03
COMPLAINT INVESTIGATOR:	Connie Rahe
DATE OF COMPLAINT:	May 20, 2003
DATE OF REPORT:	June 18, 2003
REQUEST FOR RECONSIDERATION:	yes/revised July 18, 2003
DATE OF CLOSURE:	September 3, 2003

COMPLAINT ISSUES:

Whether the Monroe County Community School Corporation violated:

511 IAC 7-27-11 by failing to provide access to the general education curriculum for a student with a temporary or chronic illness that entails the student's absence from school for a minimum of 20 consecutive instructional days or an aggregate of at least 20 instructional days over the period of the school year.

511 IAC 7-27-4(a)(3) by failing to convene a case conference committee (CCC) meeting upon the request of a parent.

511 IAC 7-22-2(a) by failing to provide a written notice to the parent before proposing to initiate a change in the student's educational placement.

511 IAC 7-27-7(a) by failing to implement the student's individualized educational program (IEP) as written, specifically, failing to schedule regular communications or reports between home and school.

FINDINGS OF FACT:

1. The Student is 16 years old, attends the local high school, and qualifies for special education and related services under the category of other health impaired (OHI).
2. In a case conference committee (CCC) meeting on May 19, 2003, the Complainant requested the Student receive compensatory education due to an aggregate of 39 days of absences resulting from a chronic illness and associated medical appointments, including surgery between August 26, 2002, and May 22, 2003. The Student's medical doctors provided letters dated May 14 to 19, 2003, explaining the Student's medical condition and resulting absences. The statements from the Student's doctors did not notify the School that the Student's chronic illness would require the Student's absence for an aggregate of at least 20 instructional days over the period of the school year. Assistance was made available to the Student before and after school and during resource room and class periods to complete assignments. The Student was able to complete most of the course work for classes by the last day of the school year.
3. On April 11, 2003, the Complainant requested the teacher of record (TOR) convene a CCC meeting for April 21, 2003. The TOR responded with a request to contact the teachers to resolve the problem outside of a CCC meeting and communicate back, and the Complainant agreed. By April 22, 2003, all

teachers were contacted, but one did not provide the requested information. The TOR informed the Complainant that the teacher would be contacted again. The problems were not resolved to the Complainant's satisfaction, and on May 6, 2003, the Complainant again requested a CCC meeting. A CCC meeting was arranged, and convened on May 19, 2003.

4. The Student informed the resource teacher that there would not be enough work to keep busy in the resource room during the new trimester. The teacher and Student agreed to change the Student's resource period to a weight lifting class. The Complainant was not informed prior to changing the schedule of this change from services in the Student's IEP, nor was a CCC meeting held. The School had on record a request from the Student's doctor to discontinue any strenuous exercise until the doctor approved such. The doctor did not give approval prior to the School placing the Student in the weight lifting class.
5. The Student's current IEP states the School will "schedule regular (routinely scheduled) communication/reports between home and school." The IEP also provides for progress reports on goals to be reported on the goals sheet at the end of each grading term. No goals sheets have been provided during this school year as progress reports, and regularly scheduled communications were not arranged by the School with the Complainant.

CONCLUSIONS:

1. Finding of Fact #2 indicates that the School was not provided with a notice from the Student's medical doctors stating the Student has a chronic illness that will require the student's absence from school for a minimum of 20 consecutive instructional days or an aggregate of at least 20 instructional days over the period of the school year. Therefore, no violation of 511 IAC 7-27-11 is found.
2. Finding of Fact #3 indicates that the TOR and Complainant agreed to try to resolve the problems outside a CCC meeting, but when the problems were not resolved to the Complainant's satisfaction, the TOR scheduled a CCC meeting in a timely manner. Therefore, no violation of 511 IAC 7-27-4(a)(3) is found for failing to convene a case conference committee (CCC) meeting upon the request of a parent.
3. Finding of Fact #4 indicates that the School did not follow proper procedure under 511 IAC 7-22-2(a) when the School failed to provide a written notice to the parent before proposing to initiate a change in the student's educational placement. Therefore, a violation is found.
4. Finding of Fact #5 indicates that the School did not comply with the Student's IEP by providing regularly scheduled communications or reports to the home on the goals form as described in the IEP. Therefore, a violation of 511 IAC 7-27-7(a) is found for failing to implement the student's IEP as written.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Monroe County Community School Corporation shall:

1. Provide a memorandum to all special education staff informing them of the following requirements under Article 7:
 - a. 511 IAC 7-22-2(a) to provide a written notice to the parent before proposing to initiate a change in the student's educational placement.
 - b. 511 IAC 7-27-7(a) to implement each student's IEP as written.

A copy of the memorandum shall be forwarded to the Division by September 6, 2003.

2. An assurance statement signed by the Director and Superintendent shall be provided to the Division by September 6, 2003, stating that the School will comply with the requirements under:
 - a. 511 IAC 7-22-2(a) to provide a written notice to the parent before proposing to initiate a change in the student's educational placement; and
 - b. 511 IAC 7-27-7(a) to implement each student's IEP as written.